

ATTORNEY OR PARTY UNDER ATTORNEY (Name, State Bar number, and address): Donald H. Cram, III (SBN 160004) SEVERSON & WERSON, P.C. One Embarcadero Center, Suite 2600  San Francisco, CA 94111 TELEPHONE NO.: (415) 398-3344 FAX NO. (Optional): (415) 956-0439 E-MAIL ADDRESS (Optional): dhc@severson.com ATTORNEY FOR (Name): Ford Motor Credit Company, LLC		FOR COURT USE ONLY
U.S. District Court, Northern District of California STREET ADDRESS: 280 S. First Street  MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: San Jose Division		
PLAINTIFF: Ford Motor Credit Company, LLC  DEFENDANT: Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury, and Steven Robert Lewis		
APPLICATION FOR WRIT OF POSSESSION <input type="checkbox"/> AFTER HEARING <input checked="" type="checkbox"/> EX PARTE <input checked="" type="checkbox"/> AND FOR TEMPORARY RESTRAINING ORDER		
		CASE NUMBER:  C 07-03301 RS

1. Plaintiff\* has filed a complaint and makes claim for delivery of property in the possession of the defendant named in b.
- a. Plaintiff (name): Ford Motor Credit Company, LLC
- b. Defendant (name): Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury, and Steven Robert Lewis
2. Plaintiff applies for (check all that apply):
- a. ☐ Writ of possession after hearing (Code Civ. Proc. (C.C.P.), § 512.010).
- b. ☒ Ex parte writ of possession (C.C.P., § 512.020). (File Declaration for Ex Parte Writ of Possession, form CD-180.)
- c. ☒ Temporary restraining order (C.C.P., § 513.010). (File Application for Temporary Restraining Order, form CD-190.)
3. The basis of the plaintiff's claim and right to possession of the claimed property is specified in ☐ a written document, a copy of which is attached. ☒ the verified complaint. ☒ the attached declaration. ☒ the following facts (specify): Ford Motor Credit Company, LLC ("Ford Credit") has a perfected security interest in all personal property of Lewis Family Enterprises, Inc. ("Bob Lewis LM"), an automobile dealer. Bob Lewis LM has sold vehicles for which it has not repaid Ford Credit the amounts advanced to acquire the vehicles, creating an SOT situation in the amount of \$497,754.70. Bob Lewis LM has otherwise defaulted on its loan obligations owing to Ford Credit and Ford Credit seeks to repossess its Collateral
4. Claimed property (Describe, state value, and further identify any property that is a farm product (Code Civ. Proc., § 511.040) or inventory held for sale or lease (Code Civ. Proc., § 511.050)): All of the property described at paragraphs 26-27 of the Declaration of Phil Ward and the motor vehicles described in Exhibit F attached thereto.

Continued on Attachment 4.

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5. A showing that the claimed property is wrongfully detained by defendant, of how the defendant came into possession of the claimed property, and, according to Plaintiff's best knowledge, information, and belief, of the reason for the defendant's detention of the claimed property, is made ☒ in the verified complaint. ☒ in the attached declaration. ☒ as follows (*specify*):

Bob Lewis LM has sold and will continue to sell vehicles, which are part of Ford Credit's collateral, without paying Ford Credit the amounts it advanced for Bob Lewis LM to acquire the vehicles. Bob Lewis LM has already sold over \$497,000 in vehicles for which it has not repaid Ford Credit. Bob Lewis LM refuses to surrender the Collateral that is subject to Ford Credit's security interest. Bob Lewis LM is in breach of its loan agreements which entitles Ford Credit to an Order for Writ of Possession.

6. To Plaintiff's best knowledge, information, and belief the claimed property or some part of it is located as stated ☒ in the verified complaint. ☒ in the attached declaration. ☒ as follows (*specify*):  
(Include in this statement whether any part of the claimed property is within a private place that may have to be entered to take possession. If so, complete item 7.) Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury 911 Capitol Expressway Auto Mall, San Jose, CA 95136

7. ☒ Facts showing probable cause for belief that the claimed property or some part of it is located in the private place referred to in item 6 are specified ☒ in the verified complaint. ☒ in the attached declaration. ☒ as follows:  
Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury has its principal place of business located at 911 Capitol Expressway Auto Mall, San Jose, CA 95136

8. The claimed property has not been taken for a tax, assessment, or fine, pursuant to statute, and (*check one*):  
a. ☒ has not been seized under an execution against the plaintiff's property.  
b. ☐ has been seized under an execution against the plaintiff's property, but is exempt from such seizure under (*code section*):

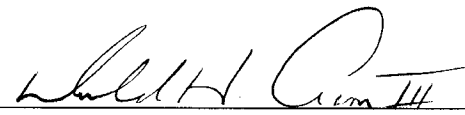
9. ☐ This action is subject to the ☐ Unruh Retail Installment Sales Act (Civ. Code, §§ 1801-1812.10);  
☐ Rees-Levering Motor Vehicle Sales and Finance Act (Civ. Code, §§ 2981-2984.4).  
Facts showing that this is the proper court are specified in the ☐ verified complaint. ☐ attached declaration.

10. Total number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 26, 2007

Donald H. Cram, III  
(TYPE OR PRINT NAME)

▶   
(PLAINTIFF'S SIGNATURE)